

# Notice of Allowability

Application No.

08/985,514

Examiner

Paul H Kang

Applicant(s)

POISNER, DAVID I.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed July 27, 2004.
2. ☒ The allowed claim(s) is/are 38-46.
3. ☒ The drawings filed on 05 December 1997 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/5/1997
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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### **EXAMINER'S AMENDMENT**

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Adam First on September 24, 2004.

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In Claim 38:

- on line 5, replace “requesting information” with “**requesting maintenance information**”
- on line 8, replace “requested information” with “**requested maintenance information**”
- on line 9, replace “the information” with “**the maintenance information**”
- on line 10, replace “to the smart appliance” with “**to scheduled repairs of the smart appliance**”
- on line 10, replace “identifier; and” with:  
  
“**identifier;**  
  
    **determining whether the smart appliance is due for a scheduled**  
    **repair using the received maintenance information and the collected usage**  
    **information; and**”
- on line 13, replace “the information” with “**the maintenance information**”

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In Claim 41:

- on line 7, replace “requesting information” with “**requesting maintenance information**”
- on line 10, replace “requested information” with “**requested maintenance information**”
- on line 11, replace “the information” with “**the maintenance information**”
- on line 12, replace “to the smart appliance” with “**to scheduled repairs of the smart appliance**”

- on line 12, replace “identifier; and” with:

“identifier;

determining whether the smart appliance is due for a scheduled repair  
using the received maintenance information and the collected usage information;  
and”

- on line 15, replace “the information” with “**the maintenance information**”

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In Claim 44:

- on line 5, after “the processor” insert “**enabled**”
- on line 8, replace “requesting information” with “**requesting maintenance information**”
- on line 11, replace “requested information” with “**requested maintenance information**”
- on line 12, replace “the information” with “**the maintenance information**”
- on line 12, replace “to the smart” with “**to scheduled repairs of the smart**”
- on line 13, replace “identifier; and” with:  
  
“**identifier;**  
  
    **determine whether the smart appliance is due for a scheduled repair**  
  
    **using the received maintenance information and the collected usage**  
  
    **information; and**”
- on line 15, replace “the information” with “**the maintenance information**”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. After October 26, 2004, all calls should be placed to (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**